

VI. Frequency Swapping Should be Facilitated

27. In paragraph 140 of the Notice, the Commission clearly states its desire to "allow incumbent licensees to continue operating their businesses and meeting public demand for paging services" during the pendency of the proceeding. In addition to allowing settlements, the Commission can facilitate continued system development and service deployment (without sacrificing valuable white space) by allowing carriers to swap 931 MHz frequencies. Under the current 931 MHz application processing rules, carriers are often assigned frequencies they did not request. Such carriers should be allowed to trade their assigned frequencies with other willing carriers without undue delay or paperwork. This mechanism may help to facilitate system build-out and perhaps preclude challenges to particular 931 MHz license grants. The Joint Commenters recommend that the Commission allow frequency swapping on an informal basis and without prior approval, subject only to the requirement that the Commission be notified, so that its records can be adjusted accordingly.

28. There is precedent for informal frequency swapping. For example, Sections 90.645(g) and (h),^{51/} allow licensees, where necessary, to trade channels amongst themselves in order to obtain contiguous frequencies,

^{51/} 47 C.F.R. §90.645(g) and (h).

provided the licensees provide prior notification of the proposed exchanges to the appropriate frequency coordinator and Commission. Further, the Commission has acknowledged that a 900 MHz licensee may utilize Section 90.645(h) to exchange frequencies provided the licensee first notifies, and obtains approval from, the Commission. Based on these provisions, the proposed frequency swapping proposal is quite modest.

VI. Time Is of the Essence

29. Regardless of the interim licensing procedures adopted by the Commission, it remains imperative for the Commission to resolve this proceeding quickly and to get permanent market area licensing rules in place as soon as possible. There simply is too much happening in the dynamic paging market for the applicable rules to be "in play" for very long. The relatively recent vintage of PCP exclusivity rules, and the recent break of the logjam in 931 MHz licensing, have created unprecedented needs for growth and expansion of systems that can only flourish if the application processing rules are settled and applications can be processed in the ordinary course.

30. Unfortunately, the Commission's track record on expediting proceedings in order to minimize the duration of application freezes has not been very good. Such

processing freezes have lasted inordinate periods of time in other services, despite the Commission's best intentions:

800 SMR - 1 1/2 years^{52/}

MDS - 3 years^{53/}

220 MHz - 4 1/2 years^{54/}

Joint Commenters are particularly concerned that the burdens placed on the Commission by the new telecommunications statute will make it especially hard to complete this paging item in an expeditious fashion.

31. The Joint Commenters urge the Commission to recognize that time is of the essence and to adopt final rules as soon as possible.

^{52/} Amendment of Part 90 of the Commission's Rules to Facilitate Future Development of SMR Systems in the 800 MHz Frequency Band, PR Docket No. 93-144, RM-8117, RM-8030, RM-8029.

^{53/} Amendment of Parts 21 and 74 of the Commission's Rules with Regard to Filing Procedures in the Multipoint Distribution Service and in the Instructional Television Fixed Service, MM Docket No. 94-131.

^{54/} Amendment of Part 90 of the Commission's Rules to Provide for the Use of the 220-222 MHz Band by the Private Land Mobile Radio Service, PR Docket No. 89-552, RM-8506.

VII. Conclusion

The foregoing premises having been duly considered, the Joint Commenters respectfully request that the Commission adopt interim licensing rules as set forth above.

Respectfully submitted,

AACS Communications, Inc.
AirTouch Paging
Answer, Inc.
Arch Communications Group, Inc.
Cal-Autofone
Centrapage of Vermont
Centracom, Inc.
Communications Enterprises
Desert Mobilfone
Detroit Newspaper Agency
Electronic Engineering Company
Hello Pager Company, Inc.
Jackson Mobilphone Company
LaVergne's Telephone Answering
Service
Midco Communications
Donald G. Pollard d/b/a
Siskiyou Mobilfone
PowerPage, Inc.
Radio Electronic Products Corp.
RETCOM, Inc.
Westlink Communications

By: 

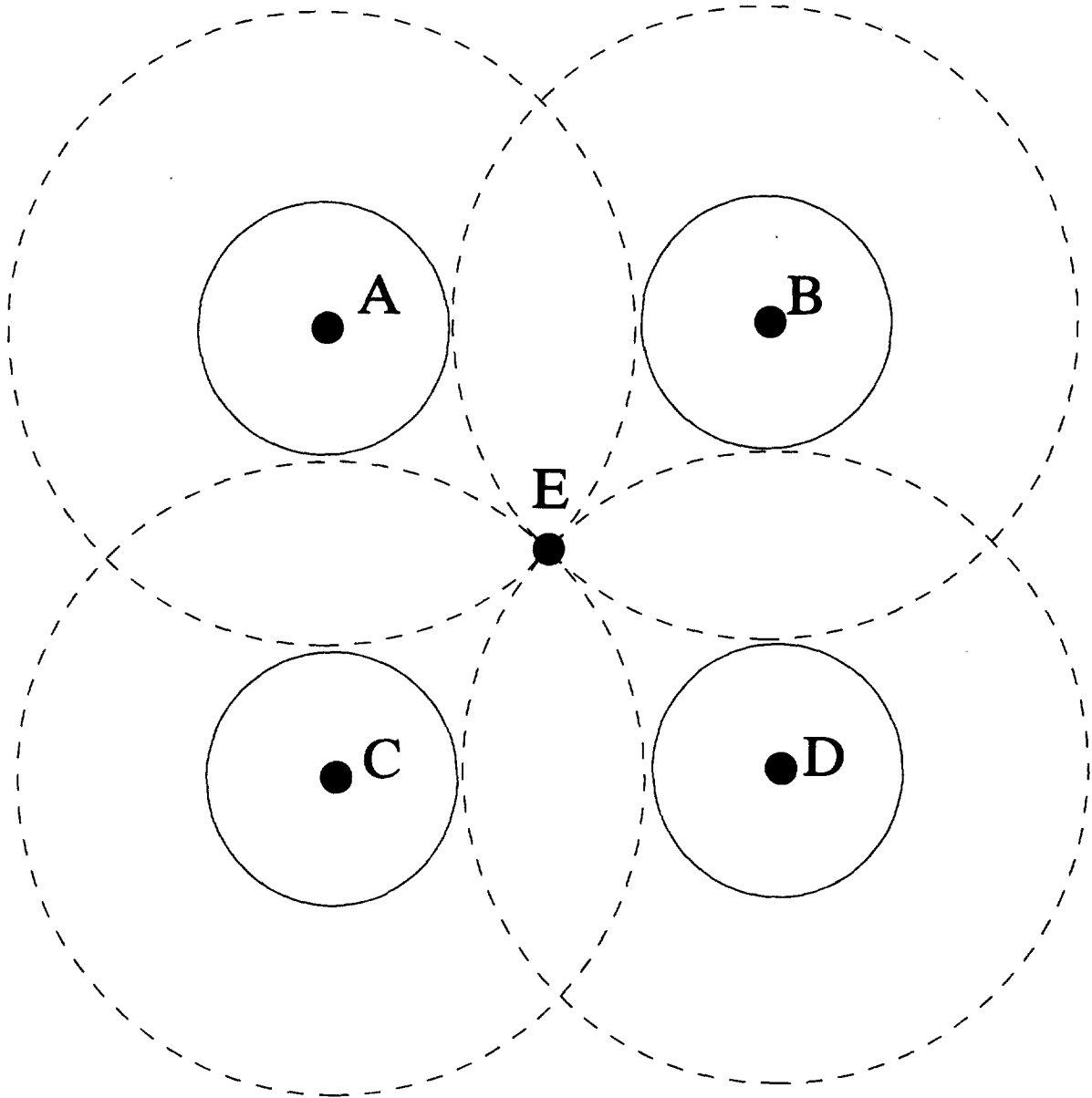
Carl W. Northrop, Esquire
Their Attorney

BRYAN CAVE LLP
700 Thirteenth Street, N.W.
Suite 700
Washington, D.C. 20006
(202) 508-6000

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Attachment A



———— Service Area Contour


----- Interference Contour

Certificate of Service

I, Yvette Omar, a secretary with the law firm of Bryan Cave LLP, hereby certify that a copy of the foregoing **Joint Comments on Interim Licensing Proposal** was sent via first class U.S. mail, postage prepaid, or hand-delivered on March 1, 1996, to the following:

- * Chair Reed E. Hundt
Federal Communications Commission
1919 M Street, N.W.
Room 814
Washington, D.C. 20554
- * Commissioner James H. Quello
Federal Communications Commission
1919 M Street, N.W.
Room 802
Washington, D.C. 20554
- * Commissioner Andrew C. Barrett
Federal Communications Commission
1919 M Street, N.W.
Room 826
Washington, D.C. 20554
- * Commissioner Rachelle B. Chong
Federal Communications Commission
1919 M Street, N.W.
Room 844
Washington, D.C. 20554
- * Commissioner Susan Ness
Federal Communications Commission
1919 M Street, N.W.
Room 832
Washington, D.C. 20554
- * Michele Farquhar, Chief
Federal Communications Commission
2025 M Street, N.W.
Room 5002
Washington, D.C. 20554
- * Rosalind K. Allen, Assoc. Bureau Chief
Federal Communications Commission
2025 M Street, N.W.
Room 5002
Washington, D.C. 20554

- * David Furth, Chief
Federal Communications Commission
1919 M Street, N.W.
Room 644
Washington, D.C. 20554
- * Mika Savir, Esquire
Federal Communications Commission
1919 M Street, N.W.
Room 644
Washington, D.C. 20554
- * Rhonda Lien
Federal Communications Commission
2025 M Street, N.W.
Room 5202
Washington, D.C. 20554


Yvette Omar